IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 684 of 2005

Mohan Singh Rawat S/o Sri Boota Singh
R/o Village Jhabrawala, Police Station Doiwala
District Dehradun .....Applicant

Versus

State of Uttaranchal ....Opposite Party

Hon'ble B.C. Kandpal, J.

This petition has been filed under Section 482 Cr.P.C. for quashing the Case Crime No. 7/K/2004-2005 as well as Criminal Case No. 583 of 2005 State Vs Shambhu & others under Section 9, 27, 32, 39 and 51 of Wild Life Protection Act, pending in the court of Chief Judicial Magistrate, Dehradun.

Brief Facts giving rise to this petition are that a First Information Report was lodged against Shambu and Jeet Singh. During the course of the investigation, the name of the petitioner came into light and the police ultimately after completing investigation submitted the chargesheet against the persons including the petitioner before the court concerned.

Against the chargesheet filed by the investigation officer, this petition has been filed for quashing the proceedings in Criminal case.

Heard Sri Sandeep Tandon, learned counsel for the applicant/petitioner as well as Sri Nandan Arya, learned A.G.A. and perused the record.

On the perusal of the documents available before me, I do not find any abuse of process of the court and flagrant injustice in this case. The contention raised by the petitioner relates to the factual aspect, which can be assessed and examined by the trial court during the course of trial.

The petition lacks merits and is liable to be dismissed.

However, the petitioner is at liberty to raise the plea with regard to the innocence of his guilt before the trial court at the time of framing the charge.

(B.C. Kandpal, J.)

06.10.2005
ASWAL